

## Message Text

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63

ORIGIN ARA-20

INFO OCT-01 ADP-00 L-03 CIAE-00 INR-10 NSAE-00 RSC-01 EB-11

COME-00 COA-02 INT-08 /056 R

DRAFTED BY ARA/CAR/BI:KLWAUCHOPE:SAG

8/20/73 EXT 22115

APPROVED BY ARA/CAR - MR. BURKE

L/OA - MR. CAMITTA

S/FW - CDR. WELLING

ARA - MR. SHLAUDEMANN

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P 202210Z AUG 73

FM SECSTATE WASHDC

TO COMDT COGARD WASHINGTON

INFO AMEMBASSY NASSAU PRIORITY

CCGDSEVEN MIAMI FL

NMFS WASHDC

COMLANTAREA COGARD NY NY

C O N F I D E N T I A L STATE 165160

E.O. 11652:GDS

TAGS: EFIS:BF

SUBJECT: BAHAMAS FISHERIES SITUATION AND COAST GUARD ROLE

REF: (A) COMDT COGARD 031835Z AUG 73 (B) COMDT COGARD

170052Z OCT 72

1. AS 1973 LOBSTER SEASON OPENED FOR BOTH U.S. AND BAHAMIAN FISHERMEN AUGUST 20, DEPARTMENT WISHES TO BRING TO ATTENTION OF ALL INTERESTED U.S. PARTIES OF TWO NEW ELEMENTS INVOLVED THIS SEASON. FIRST, THE BAHAMAS IS NOW INDEPENDENT AND SOVEREIGN NATION AND THEREFORE POSSESSED OF ALL ATTENDANT PREROGATIVES. U.S. CAN NOT EXPECT TO DEPEND ON ANY POSSIBLE RESTRAINTS WHICH MIGHT PREVIOUSLY HAVE BEEN EXERCISED BY U.K. U.S. WISHES TO STRENGTHEN AND IMPROVE CURRENTLY CLOSE AND CORDIAL RELATIONS WHICH EXIST WITH THIS NEWLY-INDEPENDENT NATION. SECOND, U.S. IS PRESENTLY  
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INVOLVED IN SENSITIVE ONGOING NEGOTIATIONS WITH GCOB IN

ORDER RETAIN WASE AND OPERATING RIGHTS TO THREE U.S. MILITARY FACILITIES WHICH ARE CONSIDERED IMPORTANT TO OUR SECURITY. DEPARTMENT IS PARTICULARLY CONCERNED THAT NO INCIDENT OCCUR WHICH COULD GIVE GCOB IMPRESSION THAT RIGHTS WHICH WE ARE NOW NEGOTIATING FOR RELATE IN ANY MANNER TO OUR POSITION ON FISHERIES ISSUE.

2. SHOULD AN INCIDENT ARISE, COMMUNICATION AND COORDINATION WILL BE IN ACCORDANCE WITH PREVIOUSLY ESTABLISHED PROCEDURES. AMEMBASSY NASSAU WILL KEEP GCOB INFORMED ON GENERAL COAST GUARD ROLE AND, IN CASE OF AN INCIDENT WILL COORDINATE CLOSELY WITH GCOB AS IT HAS IN PAST.

3. DEPARTMENT APPRECIATES THAT REF A IS ONLY PART OF FULL SET OF GUIDELINES FOR COAST GUARD OPERATIONS DURING 1973 SEASON. DEPARTMENT BELIEVES THAT COAST GUARD OPERATIONS SHOULD CONTINUE TO BE CONDUCTED IN ACCORDANCE WITH GUIDELINES SET FORTH IN REF B WITH THE FOLLOWING SUGGESTED CHANGES: PARA 5, ADD AFTER FIRST SENTENCE "MOREOVER GCOB HAS NOT ISSUED ANY CHARTS EXACTLY DELIMITING THE EXTENTS OF TERRITORIAL WATERS AND FISHING ZONE." PARA 6 DELETE "OR BRITISH GOVERNMENT"; AND ADD "IF GCOB ENFORCEMENT VESSEL IS ON SCENE OF DISPUTE, COAST GUARD SHOULD FIX LOCATION OF INCIDENT AND SEEK CORROBORATION OF LOCATION FROM GCOB ENFORCEMENT VESSEL AS PART OF COOPERATION EFFORT. BOTH ENFORCEMENT VESSELS SHOULD SEEK AMICABLE RESOLUTION OF DISPUTE. INFORM AMEMBASSY NASSAU AND COGARD OF ANY PROBLEMS ENCOUNTERED, AND SEEK NECESSARY GUIDANCE FROM WASHINGTON.

4. DEPARTMENT BELIEVES MODIFICATION OF PARA 5 REF A NECESSARY FOR CLARITY. ASSUME ENTIRE PARA REFERS ONLY TO AREAS OUTSIDE BAHAMIAN FISHERIESZONE. IN ADDITION, DEPARTMENT BELIEVES SUB PARA B SHOULD BE MODIFIED TO ACCORD WITH USE OF FORCE REQUIREMENTS IN INTERNATIONAL LAW. BAHAMIAN ENFORCEMENT VESSEL MAY USE REASONABLE FORCE IN LEGITIMATE ENFORCEMENT ACTION,THUS WE SUGGEST SUB PARA B READ: "HE WILL NOT OTHERWISE INTERFERE UNLESS HE DETERMINES THAT UNREASONABLE FORCE IS BEING USED WHICH IS LIKELY TO RESULT OR IS RESULTING IN INJURY TO PERSONS OR

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PROPERTY."  
ROGERS

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